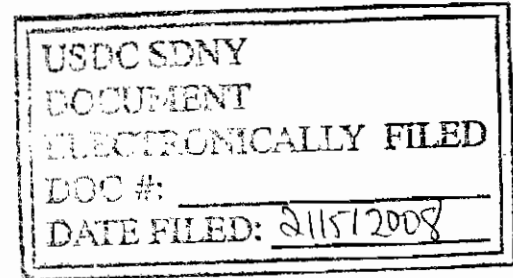


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(additional counsel listed on signature page)

Attorneys for Plaintiff Philip Morris USA Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PHILIP MORRIS USA INC.,

Plaintiff,

v.

CIGMALL, DMITRIY SUVOROV, DIANA
BEZEDE, EMIL BERNIKOVISH,
TKACHENKO T.A., OLEG DEROMCUK,
CIGMALL LTD., ADERMAN OOO, ADAM
ADAMOVICHENKO, CHERENZOV A.A.,
CINTEK UK LTD., BORIS CERNISHEV,
DAVID BUHERMAN, SHYNCHUKOVSKIY
I.A., EMI01 LTD., OLEG EMILEVICI, E-
TRADING (UK) LIMITED and MIKE
VERTIKS,

Defendants.

Case No.: 07 Civ. 8135 (DAB)

ECF CASE

NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE

NOTICE IS HEREBY GIVEN that pursuant to Rule 41(a)(1)(i) of the Federal Rules of Civil Procedure, Plaintiff Philip Morris USA Inc. voluntarily dismisses the above-captioned action without prejudice. Philip Morris USA Inc. further states that none of the Defendants have served an answer or a motion for summary judgment.

Dated: New York, New York
February 4, 2008

Respectfully submitted,

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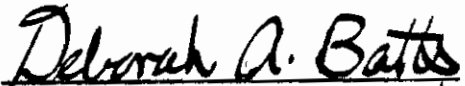
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Attorneys for Plaintiff Philip Morris USA Inc.

SO ORDERED


DEBORAH A. BATTS *2/14/08*
UNITED STATES DISTRICT JUDGE